

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

NO. 3:18-CV-30

|                           |   |                                 |
|---------------------------|---|---------------------------------|
| YURI KOROTKOV &           | ) |                                 |
| IRYNA PAVLOVNA KOROTKOVA, | ) |                                 |
|                           | ) |                                 |
| Plaintiffs,               | ) |                                 |
|                           | ) |                                 |
| v.                        | ) | <b><u>NOTICE OF REMOVAL</u></b> |
|                           | ) |                                 |
| SUNTRUST MORTGAGE, INC.,  | ) |                                 |
|                           | ) |                                 |
| Defendant.                | ) |                                 |

Defendant, SunTrust Mortgage, Inc. ("SunTrust"), in accordance with 28 U.S.C. §§ 1331, 1441, and 1446, hereby gives notice and do remove to this Court the civil action bearing the caption *Yuri Korotkov & Iryna Pavlova Korotkova v. SunTrust Mortgage, Inc.*, 17 CVS 3296, which is now pending in the General Court of Justice, Superior Court Division, Union, County, North Carolina. In support thereof, SunTrust states as follows:

1. A copy of the complaint in the above-captioned lawsuit was filed on December 14, 2017. Plaintiffs served the complaint on SunTrust via registered agent on December 22, 2017. A true and accurate copy of the summons and Plaintiffs' complaint is attached hereto as Exhibit A.
2. No further pleadings have been filed by any party in the state court action since the service of the Summons and Complaint.
3. Plaintiffs' complaint alleges violations of the North Carolina Debt Collection Act, N.C. Gen. Stat. § 75-50, *et seq.*, and the Telephone Consumer Protection Act, 42 U.S.C. § 227, *et seq.*

4. The United States District Court for the Western District of North Carolina has original jurisdiction over Plaintiffs' causes of action pursuant to 28 U.S.C. §§ 1331 and 1441 because this action involves a federal question over which this Court has original jurisdiction, as this action involves claims arising out of the laws of the United States as demonstrated on the face of Plaintiffs' Complaint.

5. This Court has supplemental jurisdiction over the non-federal claims pursuant to 28 U.S.C. § 1337 because these claims arise out of the same operative facts as Plaintiffs' federal claims and "form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1337(a).

6. Venue is proper in this court because Union County lies within the Western District of North Carolina.

7. As required by 28 U.S.C. § 1446(d), SunTrust has served written notice of filing of the Notice of Removal on the Plaintiffs and are promptly causing to be filed a copy of this Notice of Removal with the Clerk of Superior Court for Union County, North Carolina. A true and accurate copy of that Notice of Filing is attached hereto as Exhibit B.

8. SunTrust was served with copies of the Summons and Complaint on December 22, 2017. Accordingly, the time-period for filing this Notice of Removal in accordance with the provisions of 28 U.S.C. § 1446 has not elapsed as of today's date.

WHEREFORE, SunTrust removes this case from the Superior Court of Union County, North Carolina to this Court.

Respectfully submitted this the 19<sup>th</sup> day of January 2018.

WILLIAMS MULLEN

By: /s/Elizabeth C. Stone  
Elizabeth C. Stone  
N.C. State Bar No. 36690  
P.O. Box 1000  
Raleigh, NC 27602  
Telephone: (919) 981-4000  
Fax: (919) 981-4300  
E-mail: [ecstone@williamsmullen.com](mailto:ecstone@williamsmullen.com)  
*Attorney for Defendants SunTrust Mortgage,  
Inc.*

## **CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that the foregoing or attached document was served upon all parties of record by U.S. Mail at the address indicated below on this the 19<sup>th</sup> day of January, 2018.

### **SERVED:**

M. Shane Perry  
109 W. Statesville Ave.  
Mooresville, NC 28115  
*Attorney for Plaintiffs*

WILLIAMS MULLEN

By: /s/Elizabeth C. Stone  
Elizabeth C. Stone  
N.C. State Bar No. 36690  
P.O. Box 1000  
Raleigh, NC 27602  
Telephone: (919) 981-4000  
Fax: (919) 981-4300  
E-mail: [ecstone@williamsmullen.com](mailto:ecstone@williamsmullen.com)  
*Attorneys for Defendant SunTrust Mortgage,  
Inc.*